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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,943	03/30/2001	Louis B. Rosenberg	IMM127	7594
34300	7590	01/11/2008	EXAMINER	
PATENT DEPARTMENT (51851)			CEGIELNIK, URSZULA M	
KILPATRICK STOCKTON LLP			ART UNIT	PAPER NUMBER
1001 WEST FOURTH STREET			3711	
WINSTON-SALEM, NC 27101				
MAIL DATE		DELIVERY MODE		
01/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	09/823,943	ROSENBERG, LOUIS B.
	Examiner Urszula M. Cegielnik	Art Unit 3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 October 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 45-58 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 45-58 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

56 72

Claims 45-50, and 55-~~57~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Publication No. 0977142, hereinafter EP '142 in view of Lin (US Patent No. 6,121,955).

EP '142 discloses a housing (200); a manipulandum (220) disposed within the housing (200) and operable to cause a control signal to be sent to a remotely controlled device (i.e. a game computer, which may be considered as a toy, as anything that is capable of giving a person amusement); an actuator (300) coupled to the housing (200), the actuator (300) operable to output a force to at least one of the housing (200) or the manipulandum (220); the manipulandum is in the form of a directional control (arrow key 220); a receiver (i.e. signal receiving circuit) disposed within the housing and operable to receive a sensor signal from a sensor configured to sense a state of the remotely controlled device (col. 6, lines 33-49).

EP '142 does not explicitly disclose a processor disposed within the housing in communication with the actuator and the receiver, the processor operable to generate an actuator signal associated with the state of the remotely controlled device, the manipulandum being a throttle control.

Lin teaches a game controller (joystick) having a processor (54) disposed within a housing (12) and the manipulandum is in the form of a throttle control.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a processor disposed within the housing as taught by Lin, since EP '142 states at col. 2, lines 28-31, that such a modification would permit the joystick to have enhanced control of a computer game.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time to provide a manipulandum in the form of a throttle control as taught by Lin, since such a modification would provide an alternate arrangement of a remotely controlled device.

Claims 51-54, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 45 above, and further in view of Collier (US Patent No. 4,964,837).

EP '142, as modified by Lin, lacks the claimed sensors and the remotely controlled device comprising a remotely controlled toy (remotely-controlled car).

Collier discloses a remotely controlled car that has a radio communication device having a transmitter (200), a contact sensor, pressure sensor, and an accelerometer (col. 15, lines 57-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the claimed sensors as taught by Collier, since Collier states at col. 15, lines 65-67, that such a modification would provide detection of various situations encountered by the remotely controlled device.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a transmitter as taught by Collier, since such a modification would enhance wireless communication between the remote control unit and the remotely controlled device.

Response to Arguments

Applicant's arguments filed 31 October 2007 have been fully considered but they are not persuasive.

Applicant argues EP '142 does not disclose a receiver within the housing, only reception of the control signal by the input device. The only structure within claim 45 directed to the receiver is that it be located within a housing and be capable of receiving a sensor signal sensing a state of the remotely controlled device. The Examiner would like to further point out that EP '142 further discusses at col. 5, lines 14-29, wireless keyboard which inherently have some kind of receiver within the housing in order to communicate wirelessly.

In response to applicant's argument that Liu does not disclose a receiver disposed within the housing, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM-2:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/823,943
Art Unit: 3711

Page 6

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EUGENE KIM
SUPERVISORY PATENT EXAMINER